UNITED
NATIONS

A

General Assembly

Distr.
GENERAL

A/47/708
23 November 1992
ENGLISH
ORIGINAL: SPANISH

Forty-seventh session
Agenda item 112

PERSONNEL QUESTIONS

Report of the Fifth Committee (Part I)

Rapporteur: Mr. Jorge OSELLA (Argentina)

I. INTRODUCTION

1. At its 3rd plenary meeting, on 18 September 1992, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its forty-seventh session, and to allocate to the Fifth Committee, the item entitled:

"Personnel questions:

"(a) Composition of the Secretariat;

"(b) Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations;

"(c) Other personnel questions".

2. The Fifth Committee considered the item at its 13th, 15th to 17th, 19th to 22nd, 25th and 28th meetings, held on 26, 29 and 30 October, and 2, 4 to 6, 12 and 18 November 1992. Comments and observations made in the course of the Committee's consideration of the item are reflected in the relevant summary records (A/C.5/47/SR.13, 15-17, 19-22, 25 and 28).

3. For its consideration of sub-item (b), the Committee had before it the report of the Secretary-General on respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations (A/C.5/47/14).

II. CONSIDERATION OF DRAFT RESOLUTION A/C.5/47/L.2

4. At the 28th meeting, on 18 November, following informal consultations, the representative of the Netherlands introduced a draft resolution (A/C.5/47/L.2).

5. At the same meeting, the Fifth Committee adopted draft resolution A/C.5/47/L.2 without objection (see para. 6).

III. RECOMMENDATION OF THE FIFTH COMMITTEE

6. The Fifth Committee recommends to the General Assembly the adoption of the following draft resolution:

Respect for the privileges and immunities of officials of the United Nations and the specialized agencies and related organizations

The General Assembly,

Recalling that, under Article 105 of the Charter of the United Nations, all officials of the Organization shall enjoy in the territory of each of its Member States such privileges and immunities as are necessary for the independent exercise of their functions in connection with the Organization,

Also recalling that, under Article 100 of the Charter, each Member of the United Nations undertakes to respect the exclusively international character of the responsibilities of the Secretary-General and the staff and not to seek to influence them in the discharge of their responsibilities,

Further recalling the Convention on the Privileges and Immunities of the United Nations, 1/ the Convention on the Privileges and Immunities of the Specialized Agencies, 2/ the Agreement on the Privileges and Immunities of the International Atomic Energy Agency and the United Nations Development Programme Standard Basic Assistance Agreements,

Stressing that respect for the privileges and immunities of officials of the United Nations and the specialized agencies is becoming even more imperative owing to the growing number of assignments entrusted to the organizations of the United Nations system by the Member States,

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1/ Resolution 22 A (I).

2/ Resolution 179 (II).

Recalling its resolution 76 (I) of 7 December 1946, in which it approved the granting of the privileges and immunities referred to in articles V and VII of the Convention on the Privileges and Immunities of the United Nations to all members of the staff of the United Nations, with the exception of those who are recruited locally and are assigned to hourly rates,

Also recalling its resolution 43/173 of 9 December 1988, to which is annexed the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, including the principle that all persons under arrest or detention shall be provided whenever necessary with medical care and treatment,

Reiterating the obligation of all officials of the Organization in the conduct of their duties to observe fully both the laws and regulations of Member States and their duties and responsibilities to the Organization,

Mindful of the responsibilities of the Secretary-General to safeguard the functional immunity of all United Nations officials,

Mindful also of the importance in this respect of the provision by Member States of adequate and immediate information concerning the arrest and detention of staff members and, more particularly, their granting of access to them,

Bearing in mind the considerations of the Secretary-General to guarantee appropriate standards of justice and due process to United Nations officials,

1. Takes note with grave concern of the report submitted by the Secretary-General 3/ on behalf of the members of the Administrative Committee on Coordination, and of the developments indicated therein;

2. Strongly deplores the unprecedented and still increasing number of fatalities which have occurred amongst United Nations personnel, including those engaged in peace-keeping operations;

3. Deplores the continuing existence of cases where the functioning, safety and well-being of officials have been placed in jeopardy;

4. Condemns and deplores the disregard for Article 105 of the Charter of the United Nations displayed by some Member States;

5. Reaffirms in its entirety its resolution 45/240 of 21 December 1990;

6. Reiterates the importance of providing access of United Nations medical teams to detained staff, and requests Member States to facilitate medical care deemed necessary by such teams;

3/ A/C.5/47/14.

7. Requests the Secretary-General to take all necessary measures to ensure the safety of United Nations personnel, as well as those engaged in peace-keeping and humanitarian operations;

8. Reminds host countries of their responsibility for the safety of peace-keeping and all United Nations personnel on their territory;

9. Strongly affirms that disregard for the privileges and immunities of officials has always constituted one of the main obstacles to the implementation of the missions and programmes assigned to the organizations of the United Nations system by Member States;

10. Requests the Secretary-General and Member States to continue their efforts to ensure respect for the privileges and immunities of officials, and requests the Secretary-General to continue to submit, on behalf of the Administrative Committee on Coordination, reports thereon to the General Assembly.

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General Assembly Security Council

Distr.
GENERAL

A/47/709
S/24837
23 November 1992

ORIGINAL: ENGLISH

GENERAL ASSEMBLY
Forty-seventh session
Agenda items 18 and 97
IMPLEMENTATION OF THE DECLARATION ON
THE GRANTING OF INDEPENDENCE TO
COLONIAL COUNTRIES AND PEOPLES
HUMAN RIGHTS QUESTIONS

SECURITY COUNCIL
Forty-seventh year

Letter dated 23 November 1992 from the Permanent Representative of Portugal to the United Nations addressed to the Secretary-General

Upon instructions from my Government, I would like to convey to you the text of a statement by the Government of Portugal on the arrest of Mr. Xanana Gusmão, leader of the East Timorese resistance (see annex).

I would be grateful if you kindly arrange for this letter and its annex to be circulated as an official document of the General Assembly, under agenda items 18 and 97, and of the Security Council.

(Signed) Pedro CATARINO
Ambassador
Permanent Representative
to the United Nations

Annex

Statement issued by the Government of Portugal on 20 November 1992 on the arrest of Mr. Xanana Gusmão, leader of the East Timorese resistance

According to reports that have just been received, the Indonesian authorities, which are illegally occupying the territory of East Timor, have this morning in Dili captured the leader of the Timorese resistance, Mr. Xanana Gusmão.

Mr. Xanana Gusmão has symbolized, through his courage and tenacity revealed in the carrying out of a struggle involving great risks and in adverse circumstances, the determination with which the people of East Timor have opposed the brutal Indonesian occupation.

The Government of Portugal appeals to the international community for it to act, without delay, to achieve the freedom and insure the physical integrity of Mr. Xanana Gusmão and guarantee that his rights as a human being are completely respected by the authorities of Indonesia.

Portugal reaffirms its determination to continue its actions in defence of the rights and liberties of the people of East Timor, including that of being permitted to choose freely their political future, a right which they have been denied and without which it will not be possible to bring to an end the intolerable situation which prevails in the territory.